

Submitted to the Governor's Office of Planning and Research February 17, 2015:

15062. Notice of Exemption

- (a) When a public agency decides that a project is exempt from CEQA pursuant to Section 15061, and the public agency approves or determines to carry out the project, the agency ~~must~~ file a Notice of Exemption.
- (b) A Notice of Exemption ~~must~~ be filled out and ~~must~~ accompany the project application through the approval process.
- (c) When a public agency approves an applicant's project, either the agency or the applicant ~~may~~must file a Notice of Exemption.

15063. Initial Study

- (a)(3) An initial study ~~must~~ rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings.

15064.5 Determining the Significance of Impacts to ~~Archeological and~~ Historical Resources

- (a)(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not ~~mean the resource is not a historical resource. preclude a~~ lead agency shall from determining whether the resource may be an historical resource as defined in Public Resources Code sections 5020.01(j) or 5024.1.

- (b)(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource in consultation with descendent communities. A reasonable and good faith effort shall be made to identify descendent communities.

- (c)(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, ~~and~~ this section, and Section 15126.4 of the Guidelines, ~~T, and~~ the limits and term "unique" contained in Section 21083.2 of the Public Resources Code do not apply.

- ~~(c)(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not~~

~~apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.~~

(c)(43) If an archaeological resource is ~~neither a unique archaeological nor~~ an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment.

(d) When an initial study identifies the existence of, or the probably likelihood, of Native American remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resource Code Section 5097.98. The applicant ~~shall~~ may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

(e) (2)(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within ~~244~~ 8 hours after being notified by the commission.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency ~~should~~ must make provisions for historical ~~or unique archaeological~~ resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a ~~n-qualified~~ archaeologist who meets the Secretary of Interior's Professional Qualification Standards in Archaeology (36 CFR Part 61). If the find is determined to be an historical ~~or unique archaeological~~ resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical ~~or unique archaeological~~ resource mitigation takes place.

15065. Mandatory Findings of Significance

(a)(5) The project is likely to disturb historic or Native American human remains as identified in an Initial Study.

15083. Early Public Consultation

d) Scoping should include descendent communities.

15250. General

Section 21080.5 of the Public Resources Code provides that a regulatory program of a state agency shall be certified by the Secretary for Resources as being exempt from the requirements for preparing EIRs, Negative Declarations, and Initial Studies if the Secretary finds that the

program meets the criteria contained in that code section. [A certified program must be reviewed for continued validity every 10 years beginning in 2015.](#) A certified program remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. This article provides information concerning certified programs.

15268. Ministerial Projects

[e\) Grading or demolition permits should not be considered ministerial actions.](#)

CEQA Appendix G: Environmental Checklist Form Environmental Factors Potentially Affected:

☐ [Cultural-Historical](#) Resources

Evaluation of Environmental Impacts

I. Aesthetics

a) Have a substantial adverse effect on a scenic [or historic](#) vista?

V. Cultural Resources

~~b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?~~

~~c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?~~

VI. Geology and Soils

~~f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?~~

Comment [T1]: We understand this is being addressed by AB52.